

Assembly Bill No. 2451

Passed the Assembly August 28, 2012

Chief Clerk of the Assembly

Passed the Senate August 23, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 5406 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2451, John A. Pérez. Workers' compensation: firefighters.

Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers' compensation. With certain exceptions, a proceeding to collect death benefits is required to be commenced within one year from the date of death or, in some cases, from the last furnishing of benefits. However, no proceedings may be commenced more than 240 weeks from the date of injury.

This bill would provide that certain proceedings related to the collection of death benefits of firefighters and peace officers may be commenced within, but no later than, 480 weeks from the date of injury, and in no event more than one year after the date of death, if specified criteria are met.

The people of the State of California do enact as follows:

SECTION 1. Section 5406 of the Labor Code is amended to read:

5406. (a) Except as provided in Section 5406.5 or 5406.6, the period within which may be commenced proceedings for the collection of the benefits provided by Article 4 (commencing with Section 4700) of Chapter 2 of Part 2 is one year from any of the following:

(1) The date of death where death occurs within one year from date of injury.

(2) The date of last furnishing of any benefits under Chapter 2 (commencing with Section 4550) of Part 2 if death occurs more than one year from the date of injury.

(3) The date of death, if death occurs more than one year after the date of injury and compensation benefits have been furnished.

(b) Except as provided in subdivision (c), proceedings under subdivision (a) shall not be commenced more than one year after the date of death, nor more than 240 weeks from the date of injury.

(c) (1) Proceedings described in subdivision (a) may be commenced within, but no later than, 480 weeks from the date of injury, and in no event more than one year after the date of death, if all of the following criteria are met:

(A) The proceedings are brought for the collection of benefits by, or on behalf of, a person who was a dependent on the date of death. The extent of dependency shall be determined in accordance of the facts as they existed at the time of death of the employee.

(B) The injury causing death is one of the following:

(i) An injury as defined in Section 3212.1 to a person described in Section 3212.1.

(ii) An injury as defined in Section 3212.6 to a person described in Section 3212.6.

(iii) An injury as defined in Section 3212.8 to a person described in Section 3212.8.

(C) The date of injury is during the person's active service in applicable capacities described in Section 3212.1, 3212.6, or 3212.8.

(2) This subdivision shall not apply to claims for the collection of benefits pursuant to Article 4 (commencing with Section 4700) of Chapter 2 of Part 2 that have already been adjudicated, or otherwise finalized, or for which the commencement period lapsed on or before December 31, 2012.

Approved _____, 2012

Governor